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Attorneys for: PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
Trenton Vicinage

Heba Awad, Osama Awad, individually and
as G/A/L for Rebecca Awad, a minor,
Anasimone Awad, a minor and Samy Awad, a
minor

Plaintiff(s),

v.

Lord and Taylor, NRDC EQUITY Partners,
Macerich Co., Freehold Township, The
Freehold Township Police Department,
Individual Freehold Police Officer
Christopher DeAngelo and Individual
Freehold Police Officer Karl White, Lord and
Taylor Security Supervisor, Individual Lord
and Taylor Security Guard 1, Individual Lord
and Taylor Security Guard 2 and ABC
CORPS 1-5 (said names being fictitious),
XYZ CORPS 1-5 (said names being
fictitious), JOHN DOES I -20, (said names
being fictitious),

Defendant(s),

CIVIL ACTION NO. 09-cv-1996

**DECLARATION OF
ANDREW R. BRONSNICK, ESQ.**

1. I am a member of the law firm of Law Offices of Joseph A. Massood in this action. I submit this Declaration in support of Plaintiffs motion to remove and transfer this matter back to the United States District Court.
2. This case was removed from the Superior Court of NJ, Law Division to the U.S. District Court on April 24, 2009.

3. By Order dated September 9, 2009, the Plaintiffs were required to notify the Court whether or not they intended to recover damages under 42 U.S.C. § 1983, by 5:00pm on September 29, 2009.
4. Plaintiffs have asserted in their answers to interrogatories a claim under 42 U.S.C. § 1983, and intend to pursue their claims. During a telephone conference on September 9, 2009 with the Honorable Douglas E. Arpert with all parties' counsel present, I confirmed on behalf of Plaintiffs that they intended to pursue claims under §1983. Counsel for Defendants, specifically John B. Monahan, Esq., for Defendant, Freehold Township Police Department and Thomas C. Regan, Esq. for Defendant, Lord & Taylor and Macerich Co. confirmed that, assuming all facts asserted by Plaintiffs were true, Plaintiffs' had colorable claims under 42 U.S.C. § 1983.
5. As such, the parties operated with the understanding that Plaintiffs had complied with the Order of September 9, 2009, in notifying the Court.
6. Subsequently, by Order and Judgment dated October 7, 2009, the Court remanded the matter back to the NJ Superior Court, Monmouth County, based upon Plaintiffs' alleged failure to notify the Court pursuant to the September 9, 2009 Order.
7. By letter to the Honorable Mary L. Cooper dated October 13, 2009, a request was made to have the Order of October 6, 2009 vacated and this matter removed back to the U.S. District Court.
8. Based upon the foregoing, we respectfully request this matter be removed and transferred back to the U.S. District Court, as claims under 42 USC § 1983 are being pursued against Freehold Township.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of November, 2009

Date: November 25, 2009

/s/ Andrew R. Bronsnick

ANDREW R. BRONSNICK, ESQ.

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